

Appl. No. 09/676,381
Amdt. Dated 11/05/2004
Reply to Final Office Action of September 08, 2004

REMARKS/ARGUMENTS

This Amendment is in response to the Final Office Action mailed September 8, 2004. In the Office Action, claims 17-19, 23, 25-27, 31-32 and 35 were rejected under 35 U.S.C. §102(e) as being anticipated by Jones (U.S. Patent No. 6,453,355). In addition, claims 20-22, 28-30 and 33-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jones in view of Blackketter (U.S. Patent No. 6,560,777). Claims 24 and 33-34 have been cancelled without prejudice. Reconsideration of the pending claims is respectfully requested.

Rejection Under 35 U.S.C. § 102

Claims 17-19, 23, 25-27, 31-32 and 35 were rejected under 35 U.S.C. § 102(b) as being anticipated by Jones. As the Examiner is aware, “[a] claim is anticipate *only if each and every* element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (Emphasis added). Applicant respectfully traverses the rejection because a *prima facie* case of anticipation has not been established.

For instance, with respect to claims 17-19, since it appears that the “hint track” is considered by the Examiner to teach the announcement as claimed (see page 5, first full paragraph of the Office Action), the hint track must comprises an attribute to announce metadata that provides information about at least one available video program or enhancement to be received at a client receiver (claim 17) and an identifier for said metadata (claim 19). However, the hint track has no such attributes; rather, it is merely used to determine how to packetize the media data for transmission to the client computer system. *See Col. 7, lines 57-59 of Jones*.

Moreover, with respect to claims 25-27, the hint track does not feature (i) a first attribute to announce metadata that provides information about at least one available video program or enhancement for receiving at a client receiver and (ii) a second attribute to identify a network address and a port of a location containing said metadata. *See claim 25*.

Likewise, Jones fails to teach a “means for transmitting said announcement” where “said announcement comprises an *attribute to announce metadata* that provides information about said at least one available video program or enhancement to be received at the client receiver and a *Universally Unique Identifier (UUID) to uniquely identify said metadata* to be transmitted. Emphasis added. These limitations are explicitly set forth in independent claim 31.

In view of the foregoing, Applicant respectfully requests that the §102 rejection be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 20-22, 28-30 and 33-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jones in view of Blackketter. Applicant respectfully traverses the rejection and submits that a *prima facie* case of obviousness has not been established.

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As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. See MPEP §2143, p.2100, 124(8th Ed., rev.1, Feb 2003); see also *In Re Fine*, 873 F. 2d 1071, 5 U.S.P.Q.2D 1596 (Fed. Cir. 1988). Herein, none of the teachings of the cited references, either alone or in combination, provides suggestion or motivation to modify the hint track of Jones to include a Universally Unique Identifier (UUID) to uniquely identify said metadata to be transmitted or with an attribute that comprises a network address and a port for a database having the metadata stored therein.

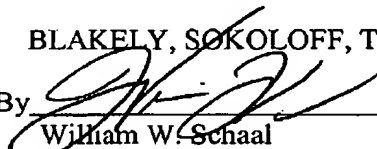
Conclusion

Applicant respectfully requests examination of the pending claims at the Examiner's earliest convenience.

Respectfully submitted,

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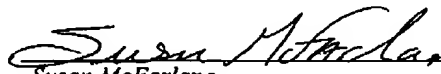
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Susan McFarlane
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